In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.R.No.777 of 2007 (O&M)
Decided on February 13,2007

Sohan Lal --- Petitioner

vs.

Tarsem Lal alias Seba and another --- Respondents.

Present: Mr. K.S.Dadwal, Advocate,for the petitioner

Pritam Pal,J:(Oral)

This Civil Revision has been filed under Article 227 of the Constitution of India, with a prayer for direction to the Learned Addl. District Judge, Nawanshahr, to decide the application seeking an ad-interim injunction filed by the petitioner along-with the appeal. Learned counsel for the petitioner has made reference to the order dated February 03,2007, passed by the learned Addl. District Judge, Nawanshahr, which reads as under:-

"Present: Counsel for the Appellant.

Presented today. It be registered. Head. There are arguable points raised in the appeal, the same is admitted for hearing.

Power of attorney on behalf of respondents filed by Shri Rajan Saree,Advocate. Service is complete. Now record of the lower court be summoned for 14.3.2007".

The contention of learned counsel for the petitioner is that along-with the appeal filed before the learned Addl. District Judge, an application for ad-interim injunction was also filed and pressed, but inspite of that, no order was passed on the same. In this regard, learned counsel made a reference to the ground mentioned in para 5 of this petition.

In the facts and circumstances and without serving any notice to the opposite side at this stage, this Civil Revision is disposed of with a direction that the learned first Appellate Court, shall dispose of the application seeking an ad-interim injunction filed with the appeal in accordance with law, after due notice to the opposite party. In the meantime, status-quo with regard to existing state of affairs over the disputed wall shall be maintained by the parties. It is made clear that nothing contained here-in shall be taken to be an expression of opinion on the merits of this case.

February 13,2007 (Pritam Pal)
RR Judge